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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,321	04/22/2005	Mari Yagi	JD-249-US	1654
24804 7590 07/26/2007 S.C. JOHNSON COMMERCIAL MARKETS INC 8310 16TH STREET, M/S 510 PO BOX 902 STURTEVANT, WI 53177-0902				
			EXAMINER BOYER, CHARLES I	
			ART UNIT 1751	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/532,321

Applicant(s)

YAGI ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 8 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) 43-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8, and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to applicants' amendment and response received May 24, 2007. Claims 1-3, 7, 8, and 42-48 are currently pending with claims 43-48 withdrawn from consideration.

### ***Election/Restrictions***

1. Newly submitted claims 43-48 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The new claims are drawn to a method of using the product originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 43-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo et al, US 5,965,649.

Kondo et al teach detergent compositions containing amidopolyether modified organopolysiloxanes (see abstract). An example of such a composition comprises 10% amidopolyether modified organopolysiloxane, 1.5% cetanol, 3% Vaseline, 2% lanolin alcohol, 2% ethoxylated alcohol nonionic surfactant, 3% propylene glycol, and 1% triethanolamine (col. 9, example 2). Though triethanolamine is not taught as a chelant, it is well known that this compound has chelating properties. Note that any of the cetanol, Vaseline, lanolin alcohol, ethoxylated alcohol nonionic surfactant, and propylene glycol may serve as a thickening agent, and any of the cetanol, lanolin alcohol, and propylene glycol may serve as the solvent. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the composition of the reference is not drawn to the same utility as that of applicants. Though this may be true, as a composition is claimed, the ultimate utility is not give patentable weight. If a composition is found allowable, applicants could use it for any purpose, not just a hard surface cleaner.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 7, 8, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deak et al, US 6,972,279.

Deak et al teach silicone polymers for lipophilic fluid systems (see abstract). The compositions contain silicone-containing polymers which may contain polyalkylene oxide and amide substituents (col. 2, lines 12-18). Highly preferred surfactants include siloxane-based nonionic surfactants (col. 12, lines 18-65). Other suitable additives of the invention include polar solvents such as water, alcohols, and glycol ethers (col. 17, lines 44-47), as well as sequestrants and thickeners (col. 18, lines 46-63). Though the reference does not specifically teach a polyetheramide modified siloxane, nor does it teach a composition containing the specific components claimed, as all of these components are contemplated by the reference, and the reference contemplates a siloxane containing amide and polyalkylene groups, the examiner maintains it would have been obvious to one of ordinary skill in the art to formulate a composition containing these components with a reasonable expectation of successfully obtaining a fabric treatment composition. With respect to specific thickeners claimed, these are well known in the art for use in laundry detergents and does not represent an unobvious difference over a prior art reference teaching thickeners.

Applicants have traversed this rejection on the grounds that the composition of the reference is not drawn to the same utility as that of applicants. Though this may be true, as a composition is claimed, the ultimate utility is not give patentable weight. If a composition is found allowable, applicants could use it for any purpose, not just a hard surface cleaner.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

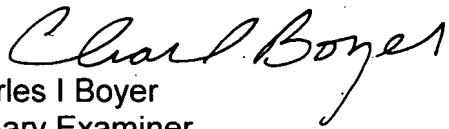
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Charles I Boyer  
Primary Examiner  
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